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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed 09/919,045 have been fully considered but they are not persuasive.

Applicant argues in REMARKS, page 7 with respect to Bilski have been considered, the 101 rejection has been withdrawn.

Applicant argues on page 9 with respect to the 35 U.S.C. 102 § Rejection have been fully considered but they are not persuasive.

Applicant argues "Independent claim 1 includes the feature of "at least one predefined sequence [resulting] from a negotiation with [a] neighboring node prior to receipt a [a] connection request". Beshai does not appear to disclose this feature."

Examiner respectfully disagrees because Beshai indeed teaches this claimed feature. The claimed limitation recites "at least one predefined sequence" is interpreted as at least one predetermining set of routes in Beshai. See col. 3, lines 24-27. The predefined sequence (predefined routes) are stored in routing table, such as in FIG. 5. Beshai teaches that "when all routes have been determined, the routes in a route set may be sorted in ascending order by cost. Then a predetermined number of routes may be selected for inclusion in the routing table. Routes may also qualify for a route set only if a particular capacity criteria is met." col. 5, lines 60-65. Therefore the claimed limitation "at least one predefined sequence" is indeed teaches by Beshai.

Beshai further teaches “at least one predefined sequence [resulting] from a negotiation with [a] neighboring node prior to receipt of [a] connection request”. According to column 7, lines 1-10, Beshai teaches “present invention requires that each node monitor its links from neighboring nodes and report link state information to at least one controller.”…”a controller may distribute to each of its affected subtending nodes the part of the link state information that each affected subtending node needs to alter its route sets”. The passage above shows the teaching of a negotiation between neighboring nodes using links state information, as a result of the negotiation, the nodal routing table stores predetermined set of route, is populated by the given node based on network information received from the controlling node. Therefore, Beshai indeed teaches the feature of "at least one predetermined sequence (predetermined route “A route is a link or a chain of links connecting a source node to a sink node”, such as predetermined routes shows in FIG. 5) [resulting] from a negotiation with neighboring node (negotiation by exchanging of a link state information between neighboring nodes and thereon nodal routing table is populated using the link state information) prior to receipt of the connection request.

Applicant further argues “In Beshai, a controller appears to “distribute” nodal routing tables and link state information to interconnected nodes in a network...But Beshai's controller is not a neighboring node because such a controller can be located anywhere.” Examiner agrees with Applicant that the controller populates an overall routing table but in Beshai's teaching the

negotiation is between neighboring nodes, such teaching is in column 7, lines 1-10 that "each node monitor its links from neighboring nodes and report link state information to at least one controller." The controller then using the reported link state information received from the nodes to populate an overall routing table. Beshai's teaching read on the limitation of "at least one predefined sequence [resulting] from a negotiation with [a] neighboring node prior to receipt of [a] connection request.

Further, Applicant argues "Beshai does not disclose the use of the claimed pre-defined sequence." In the Office Action the Examiner appears to equate a "routing table" with the claimed pre-defined sequence. This is incorrect."

The claim recited the limitation "pre-defined sequence" but the application disclosure was not defined the "pre-defined sequence". Therefore, Examiner interprets the "pre-define sequence" as a pre-determined route that is a link or a chain of links connecting a source node to a sink node", such predetermined routes shows in FIG. 5).

In response to the argument with respect to the 35 U.S.C. § 103 Rejection of claims 1-2, 6, 8-9, and 12, Applicant argues "Callon does not appear to disclose or suggest that feature "wherein the at least one predefined sequence resulted from a negotiation with [a] neighboring node prior to receipt of [a] request'. Rather, as Callon itself explains, the "link state packets" received by node 50 are from every node within a network, not from a negotiation with a neighboring node prior to the receipt of a connection request."

Because the claim was not further defined the limitation "predefined sequence" and "negotiation", Examiner interprets the "predefined sequence" as "pre-defined path stored in paths database 80" and the predefined path is calculated as a resulted of the link state exchanged among neighbor nodes. The exchange of the link state packet is equate to the limitation "negotiation". Callon teaches "Each node of network 10 generates its own link state packet that includes information regarding its neighbor nodes including identify of each neighbor node and the cost associated with reaching each neighbor node. When node 50 has received link state packets from every node of network 10, node 50 will have a complete map of the topology of the network stored in link database 70. Routing engine 65 may use the information stored in link state database 70 to determine paths between node 50 and any other node of the network." A predetermined path is stored in the path database 80. Collan teaches "then PATHS database 80 contains the shortest path to every other reachable node in the network…A path can not be added to PATHS database 80 until it has been confirmed to be the shortest path to a particular node." Col. 4, lines 45-55.

With respect to an argument on page 11, Callon lacks the limitation of "a node is an optical network" and the language cites on page 8 of the Office Action is to shows that Beshai discloses a method of assigning wavelengths in an optical network and as state in the Office Action, it would have been obvious to those having ordinary skill in the art to implement the teaching method of Callon in an optical transport network, such as suggests by Beshai et al.

Examiner respectfully argues that Callon in view of Beshai indeed teaches and render obvious all the claimed limitations. Therefore the rejection stands.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo, can be reached on (571) 272-3139.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

July 29, 2009

/Brenda Pham/

Primary Examiner, Art Unit 2416